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January 25, 2006

VIA FACSIMILE, ORIGINAL TO FOLLOW BY U.S. MAIL

Ellis Brazeal, III, Esq.
WALSTON, WELLS, ANDERSON & BIRCHALL
LLP
1819 5th Avenue North
Suite 100
Birmingham, Alabama 35203

Re: *ASD Specialty Healthcare, Inc. v. Robert G. Hickes, M.D.*
In the U.S. District Court for the Middle District of Alabama, Southern
Division
Civil Action Number 1:03-CV-592-T

Dear Ellis:

As you know and as we discussed yesterday, I filed my motion for summary judgment in this action on January 6, 2006, based on your client's admissions as to liability and damages. I am optimistic that the motion is due to be granted. Nevertheless, the Court has not entered a briefing schedule on the motion and the discovery deadline is imminent. Accordingly, I would be prejudicing my client's position were I not continue to insist upon your client either providing initial disclosures and good-faith answers to the interrogatories and requests for production or consenting to the motion for summary judgment. Should you choice the second alternative, I am providing a consent to the motion for your convenience. I ask that by January 31, 2006, you either file the consent to the motion or provide the requested discovery.

I thank you for your attention and ask that you not hesitate to call me should you wish to discuss.

Very truly yours,


Heath A. Fite

HAF/

Enclosure

EXHIBIT

E

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